

REMARKS

The Office Action

Claims 59-69 are pending in this application. Claims 59-69 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 59-69 stand further rejected for obviousness-type double patenting. Finally, the examiner objects to the specification. Applicant addresses these rejections with the following remarks and by amendment of the claims and specification.

Objection to the specification

The examiner has objected to the specification for failure to recite the patent number of an issued priority document in the cross reference to related applications.

Applicants have addressed this objection by amending the specification to recite that U.S.S.N. 09/689,575 issued as U.S. Patent No. 6,703,037. In view of this amendment, Applicant requests withdrawal of the objection to the specification.

Rejection under 35 U.S.C. § 112

Claims 59-69 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 59 and 66 were rejected for lack of antecedent basis in the term “at least one degradable region” and for a misspelling in recitation of the term “vivoconditions.” Claims 63-65 were rejected for failure to recite proper Markush

language.

Applicant has addressed each of these rejections by amendment of the claims. No new subject matter was added with these amendments.

Rejection for Obviousness-type Double Patenting

Claims 59-69 stand rejected for nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,703,037.

Applicants have addressed the double patenting rejection by disclaiming the terminal portion of the term of the entire patent to be granted upon the application subsequent to the expiration date of U.S. Patent No. 6,703,037. In view of this disclaimer, Applicants request withdrawal of the double patenting rejection.

Enclosed is a Petition to extend the period for replying to the Office action for three months, to and including June 13, 2006, and a check in payment of the required extension fee.

If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: June 13, 2006

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

Jeffrey J. Ellison
Kristina Bieker-Brady, Ph.D.
Reg. No. 39,109

Jeffrey J. Ellison Reg. No. 51,649
for Kristina Bieker-Brady